

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	1:23-cr-00139-JRS-KMB
)	
ANDRZEJ BORYGA,)	
)	
Defendant.)	

GOVERNMENT’S SENTENCING MEMORANDUM

The United States of America, by and through the undersigned counsel, respectfully submits this Sentencing Memorandum in support of a guideline sentence within the range of 27 – 33 months and three years of post-release supervision.

I. Background

From his home in Indiana, Defendant Andrzej Boryga called and left voicemails at nine different ADL branches/Jewish organizations from across the country between July 9 and December 14, 2022. The FBI obtained 47 voicemails in total, which show that Boryga left voicemails on average of two or three times a week, sometimes in quick succession and minutes apart. All of Boryga’s voicemails contained racist and/or anti-Semitic remarks, saying that Jewish people should not exist, calling them “filthy fucking animals,” and praising Adolf Hitler.¹

Boryga’s voicemails were distinct. For one, Boryga has a thick Polish accent and unique manner of speaking. He used the same phrases, that he is going to “kill” or “cut your fucking head off.” He also repeatedly talked about Jewish people being placed in ovens, comparing them to pizza, and saying in one voicemail, “I’m gonna bake your fucking ass.”

¹ Audio recordings of the voicemails that pertain to the charged conduct and uncharged conduct will be submitted manually to the Court.

Although not all of Boryga's voicemails rise to the level of a prosecutable threat, the eight voicemails that make up the charges are much more than anti-Semitic rants – Boryga clearly threatens to kill Jewish people.

Count	Date	ADL Office	Threat
1	7/24/2002	New York	Cut your fucking head off you filthy fucking kikes...it is my duty, all our- to kill you motherfuckers, to slaughter you.
1	7/24/2022	New York	I will kill you...I can't wait to motherfucking cut your fucking head off and put around display on 3 rd Avenue.
1	7/25/2002	New York	My grandfather [unintelligible] SS officer...he personally shoot [sic] 120 Jews for target practice...I will kill more than that...You all have to die, you motherfuckers.
2	8/5/2022	Houston	Your days are numbered. We'll take care of your ass, cut your fucking head off around [sic] display, you fucking filthy animals.
3	8/18/2022	Denver	You're going to suck my dick, Nazi cock, you motherfucker, Jewish bitches, before I cut your fucking throat.
3	9/29/2022	Denver	I can't wait to graduate as a Nazi, I am ready for you motherfuckers. Cut your fucking head off. Women first.
3	10/12/22	Denver	Pretty soon we're gonna have oven party, filthy fucking kikes. I'm gonna bake your fucking ass.
4	10/1/2022	Las Vegas	I can't wait to graduate, cut your fucking head off, you piece of shit...I get an orgasm when I fucking kill Jewish fucking people.

Each ADL branch took these threats seriously. (Exh. 1). In Las Vegas, Denver and Houston, the regional coordinators who received the voicemails all considered them a serious threat to their safety, and per ADL protocol, they passed the information to their supervisor, the National Director of ADL Security, who in turn notified the FBI. The security officer in New York was particularly alarmed because Boryga mentioned "3rd Avenue," which is the location of the ADL office. When the security officer heard the voicemails, he had a heightened sense of possible

danger and was “on guard,” as he feared that Boryga would show up at the ADL office to harm the employees.

In March 2023, in a voluntary interview with the FBI at Boryga’s residence, Boryga identified the two phone numbers used as his current and former phone numbers. He explained that when he lived in New York, he worked for a Jewish manager, and had a “bad experience with some people of that race.” Boryga became familiar with the Anti-Defamation League through television commercials featuring the National Director Jonathan Greenblatt and found the ADL branch phone numbers on the internet. Boryga stated that he never intended to act on the threats he had made but wanted to scare the people listening to the voicemails.

The United States concurs with Probation’s calculation of the advisory Sentencing Guidelines, which results in a final offense level of 18 and Criminal History Category I.

II. The Court Should Sentence Boryga in Accordance with the Sentencing Guidelines

The Court should sentence the defendant, Andrzej Boryga, to a sentence with the recommended guideline range of 27-33 months. Boryga committed serious crimes when he left hateful voicemails threatening violence and death for various ADL offices across the country. He caused the recipients of these voicemails and their communities to fear for their lives and safety, such that they took extra measures to ensure their security.

Such an outcome should promote both deterrence and respect for the law among individuals who may contemplate committing such crimes, as it will send the message that there are serious, life-long consequences for such acts. A guideline sentence in this case should further underscore that transmitting threats for death and violence against anyone will not be tolerated, especially when directed at individuals of a specific race or religion.

This result is sufficient but not greater than necessary to satisfy the objectives of sentencing under 18 U.S.C. § 3553(a)(2). A custodial sentence is warranted in this case given the sheer number of threatening voicemails Boryga left, which were at times repeated and persistent, to Jewish organizations all across the country. Boryga's actions were also not random or intermittent – he left numerous messages over a period of weeks and months – instilling legitimate fears for the membership of the Jewish organizations who received them.

III. Conclusion

For the reasons articulated in this sentencing memorandum, the United States respectfully requests this Court to accept the defendant's guilty plea and sentence Boryga to a term of imprisonment within the guideline range of 27-33 months with three years of post-release supervision.

Respectfully submitted, this Jul 16, 2024.

UNITED STATES OF AMERICA

Date: July 16, 2024

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CERTIFICATE OF SERVICE

I hereby certify that on July 16, 2024, copies of the foregoing document were filed electronically. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

By: /s/ Peter A. Blackett
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